IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNIT	ED STATES OF AMERICA)	
	Plaintiff,) 8:11MJ25) 8:03CR552	
	vs.	DETENTION ORDER	
JOSI	E D. PENA-MENA,		
	Defendant.		
F	Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on February 9, 2010, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).		
	Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.		
Ŧ	felony and deported from District of Nebraska after without the consent of the violation of 8 U.S.C. § imprisonment under 8 U.S. [a] [b] The offense is a crime of content of the offense involves a nate of the offense involves a nate of the offense involves a nate of the offense involves a lawit: [2] The weight of the evidence against it. [3] The weight of the evidence against it. [4] The defendant approximately appr	Report, and includes the following: offense charged: ously been convicted of an aggravated in the United States, being found in the er having re-entered the United States are Attorney General or his successor in 1326(a) and subject to twenty years S.C. § 1326(b)(2). violence. arcotic drug. arge amount of controlled substances, to enst the defendant is high.	

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(b)	At the ti	ime of the current arrest, the defendant was on:
	Χ	Supervised Release - 8:03CR552 (D. Nebr.)
	<u> </u>	Parole
		Release pending trial, sentence, appeal or completion of
		sentence.
, ,	O:1 -	
(c)	Other Factors:	
	X	The defendant is an illegal alien and is subject to
		deportation.
		The defendant is a legal alien and will be subject to
		deportation if convicted.
	Χ	The Bureau of Immigration and Custom Enforcement
		(BICE) has placed a detainer with the U.S. Marshal.
		Other:

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: February 10, 2011. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge